

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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K.F. and J.F. *on behalf of their son, T.F., a Student*  
*with a disability,*

Plaintiffs,

-against-

RIVERHEAD CENTRAL SCHOOL DISTRICT,

Defendant.

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**LINDSAY, Magistrate Judge:**

By order dated April 23, 2020, District Judge Hurley referred the motion of the defendant, Riverhead Central School District, for summary judgment to the undersigned. On June 25, 2020, counsel for the plaintiffs filed a motion to withdraw, which the Court granted today. In the Court's order granting the motion to withdraw, the Court noted that the pending motion was not yet fully briefed. In fact, it is clear from the submission of outgoing counsel and the plaintiff, J.F., that no action has been taken on the plaintiffs' behalf with respect to the motion. Accordingly, in order to give the plaintiffs an opportunity to obtain new counsel and engage in motion practice, the undersigned respectfully recommends that the defendant's motion for summary judgment be denied with leave to renew.

Outgoing counsel is directed to immediately serve a copy of this report and recommendation on the plaintiffs by certified mail, return receipt requested and to file proof of service with the Court

**OBJECTIONS**

Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule 72 of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report and Recommendation to file

written objections. Any requests for an extension of time for filing objections must be directed to Judge Hurley prior to the expiration of the fourteen (14) day period for filing objections.

Failure to file objections will result in a waiver of those objections for purposes of appeal.

*Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Beverly v. Walker*, 118 F.3d 900, 901 (2d Cir. 1997);

*Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York  
July 7, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
Arlene R. Lindsay  
United States Magistrate Judge